

HOUSE BILL NO. 548

INTRODUCED BY MCALPIN, A. NOONAN, O'HARA, FLEMING, WILSON

A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING FACILITIES THAT BREED DOGS FOR SALE OR SELL DOGS; REQUIRING INSPECTION OF FACILITIES; REQUIRING THE DEPARTMENT OF LIVESTOCK TO ADOPT RULES ESTABLISHING STANDARDS FOR THE FACILITIES; REQUIRING OWNERS OF FACILITIES TO REGISTER WITH THE DEPARTMENT AND PAY A FEE FOR REGISTRATION; ~~REQUIRING INSPECTIONS TO BE UNANNOUNCED AND~~ REQUIRING THE DEPARTMENT TO PREPARE AN INSPECTION REPORT; PROHIBITING AN OWNER OR MANAGER OF A FACILITY THAT DOES NOT PASS AN INSPECTION FROM SELLING DOGS; CREATING A STATE SPECIAL REVENUE ACCOUNT; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Dog breeding and selling facilities subject to inspection -- department to adopt rules governing standards -- inspection report. (1) A facility that breeds dogs intended for sale or sells dogs is subject to an annual inspection by the state veterinarian appointed pursuant to 81-1-301 or the state veterinarian's designee as provided in this section.

(2) The department shall adopt rules governing inspection and standards for facilities that breed dogs for sale or sell dogs. The rules must include:

~~—— (a) standards for dog housing facilities, including size, construction material, proper drainage, sanitation, requirements for indoor and outdoor access, special provisions for dogs with nursing puppies, protection from weather, ventilation, temperature control, lighting, and any other housing standards that the department considers appropriate for ensuring the proper care of the dogs;~~

~~—— (b) standards for feeding, watering, and bedding;~~

~~—— (c) standards for dog health, including requirements that if a dog exhibits signs of poor health, the facility owner shall provide adequate proof that veterinary care has been provided; and~~

~~—— (d) the procedures that the department will follow to implement facility registration and inspection required under this section beginning July 1, 2009.~~

(3) (a) An owner or manager of a facility that breeds dogs for sale or offers dogs for sale shall register

1 with the department and provide the name of the facility, address, contact information, and any other information
2 required by the department on a form furnished by the department.

3 (b) Each facility shall pay a biennial \$415 registration fee to offset the costs incurred by the department
4 for inspections and inspection reporting. The fee must be deposited in the account provided for in [section 2].

5 (4) (a) The annual inspections provided for under subsection (1) must be ~~unannounced~~ CONDUCTED WITH
6 AT LEAST 48 HOURS' NOTICE, and the state veterinarian or the state veterinarian's designee shall provide a report
7 of findings to the facility owner or manager within 1 month of the inspection. The report must contain a statement
8 regarding whether the facility has passed the inspection and, if it has not passed, remedies that must be applied.

9 (b) The department shall:

10 (i) post the names of all facilities that have passed inspection on the department's website; and

11 (ii) issue a certificate of passage of inspection to facilities that meet the prescribed standards.

12 (c) The owner or manager of a facility that receives a certificate of passage of inspection shall display
13 the certificate in a prominent place at the facility.

14 (d) After passing an initial inspection, a facility must be inspected every 2 years.

15 (5) An owner or manager of a facility who fails to register with the department as required in subsection
16 (3) or who fails to meet the prescribed standards may not breed or sell any dogs until the facility has passed an
17 inspection as provided in this section.

18 (6) This section applies to facilities, including commercial breeders, pet stores, animal rescue shelters,
19 and humane societies, that sell ~~more than 20 adult~~ 100 OR MORE dogs a year.

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21 **NEW SECTION. Section 2. Dog breeding and selling facility inspection state special revenue**
22 **account.** There is a dog breeding and selling facility inspection state special revenue account. The purpose of
23 the account is to offset the costs incurred by the department for dog breeding and selling facility inspections and
24 inspection reporting. THE DEPARTMENT SHALL INSPECT AS MANY FACILITIES AS POSSIBLE WITH THE FUNDS AVAILABLE
25 IN THE ACCOUNT. Money is payable into the account as provided in [section 1]. Income and earnings on the
26 account must be redeposited in the account. The account must be administered by the department as provided
27 in [section 1].

28
29 **NEW SECTION. Section 3. Appropriation.** (1) Subject to subsection (2), there is appropriated \$62,000
30 for fiscal year 2010 and \$62,000 for fiscal year 2011 from the state special revenue account created in [section

2] to the department for the purposes described in [section 1].

(2) Of the amount appropriated in subsection (1), \$85,000 must be used to pay for a 0.5 FTE veterinarian to administer and authorize certifications and for a 1 FTE inspector and compliance officer to carry out the provisions of [section 1].

NEW SECTION. Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 81, and the provisions of Title 81 apply to [sections 1 and 2].

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2009.

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